

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ALVIN BALDUS, CINDY BARBERA, CARLENE  
BECHEN, RONALD BIENDSEIL, RON BOONE, VERA  
BOONE, ELVIRA BUMPUS, EVANJELINA  
CLEEREMAN, SHEILA COCHRAN, LESLIE W.  
DAVIS III, BRETT ECKSTEIN, MAXINE HOUGH,  
CLARENCE JOHNSON, RICHARD KRESBACH,  
RICHARD LANGE, GLADYS MANZANET,  
ROCHELLE MOORE, AMY RISSEEUW, JUDY  
ROBSON, GLORIA ROGERS, JEANNE SANCHEZ-  
BELL, CECELIA SCHLIEPP, TRAVIS THYSSEN,

Plaintiffs,

TAMMY BALDWIN, GWENDOLYNNE MOORE  
and RONALD KIND,

Intervenor-Plaintiffs,

v.

Members of the Wisconsin Government Accountability  
Board, each only in his official capacity:  
MICHAEL BRENNAN, DAVID DEININGER, GERALD  
NICHOL, THOMAS CANE, THOMAS BARLAND, and  
TIMOTHY VOCKE, and KEVIN KENNEDY, Director  
and General Counsel  
for the Wisconsin Government Accountability Board,

Defendants,

F. JAMES SENSENBRENNER, JR., THOMAS E. PETRI,  
PAUL D. RYAN, JR., REID J. RIBBLE,  
and SEAN P. DUFFY,

Intervenor-Defendants.

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**IN ACCORDANCE WITH THE COURT'S JANUARY 3 ORDER (DKT. 104):  
AFFIDAVIT OF ATTORNEYS' FEES AND COSTS RELATED TO THE LEGISLATURE'S  
UNSUCCESSFUL DECEMBER 13 MOTION TO CLARIFY DISCOVERY ORDERS AND  
DECEMBER 23 MOTION FOR THREE-JUDGE PANEL TO REVIEW DISCOVERY ORDERS**

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Civil Action  
File No. 11-CV-562

Three-judge panel  
28 U.S.C. § 2284

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VOCES DE LA FRONTERA, INC., RAMIRO VARA,  
OLGA WARA, JOSE PEREZ, and ERICA RAMIREZ,

Plaintiffs,

v.

Case No. 11-CV-1011  
JPS-DPW-RMD

Members of the Wisconsin Government Accountability  
Board, each only in his official capacity:  
MICHAEL BRENNAN, DAVID DEININGER, GERALD  
NICHOL, THOMAS CANE, THOMAS BARLAND, and  
TIMOTHY VOCKE, and KEVIN KENNEDY, Director  
and General Counsel for the Wisconsin Government  
Accountability Board,

Defendants.

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STATE OF WISCONSIN     )  
  ) ss.  
COUNTY OF DANE         )

I, Douglas M. Poland, under penalty of perjury and on the basis of my own personal  
knowledge, hereby state as follows:

1. I am an attorney with the law firm of Godfrey & Kahn, S.C., licensed to practice  
law in the States of Wisconsin and Illinois, and am one of the attorneys representing the  
plaintiffs in the above-entitled matter. I make this affidavit ("Affidavit") in support of plaintiffs'  
Court-ordered submission for attorneys' fees and costs.

2. On January 3, 2012, this Court entered an *Order Denying Non-parties, the  
Wisconsin State Senate, by its Majority Leader Scott L. Fitzgerald and the Wisconsin State  
Assembly, by its Speaker Jeff Fitzgerald December 23, 2011 Motion for Review by Three-Judge  
Court of Orders of December 8, 2011 and December 20, 2011, Pursuant to 28 U.S.C.  
§ 2284(c)(3)* ("January 3 Order"). Dkt. 104.

3. The January 3 Order required, as a sanction, that Eric M. McLeod, Joseph L. Olson, Aaron H. Kastens, and Michael Best & Friedrich LLP “shall remit to plaintiffs’ counsel . . . the actual reasonable and necessary attorneys’ fees and costs incurred by the plaintiffs in responding to the motions” for clarification (Dkt. 63) and motion for reconsideration by three-judge panel (Dkt. 84). *See* Dkt. 104, p.11.

4. The Court further ordered plaintiffs to submit an itemization of such fees and costs by January 10, 2012. This Affidavit sets forth plaintiffs’ itemized fees and costs in accordance with the January 3 Order.

5. The costs and fees itemized in this Affidavit were actually incurred and were necessary for responding to: (1) *Civil L.R. 7(h) Expedited Non-Dispositive Motion Of Non-Parties Wisconsin State Senate And Wisconsin State Assembly For Clarification Of The Court’s Order Of 12/8/11* (Dkt. 63); and (2) *Non-parties, the Wisconsin State Senate, by its Majority Leader Scott L. Fitzgerald and the Wisconsin State Assembly, by its Speaker Jeff Fitzgerald December 23, 2011 Motion for Review by Three-Judge Court of Orders of December 8, 2011 and December 20, 2011, Pursuant to 28 U.S.C. § 2284(c)(3)* (Dkt. 84), (together, the “Motions”).

6. The reasonable and necessary costs incurred by plaintiffs’ counsel in responding to the Motions are as follows:

<b>Description</b>	<b>Quantity</b>	<b>Total</b>
Photocopies	182 @ \$0.15/page	\$27.30
Lexis/Westlaw (at cost)		\$1,545.01
<b>Total</b>		<b>\$1,572.31</b>

7. Following is a description of the reasonable and necessary time and associated fees incurred by attorneys, paralegals, and research staff in preparing plaintiffs' response to the December 13, 2011 motion (Dkt. 63). The attorneys listed in this summary charge usual and customary hourly rates ranging between \$185 (for junior associates) to \$385 (for senior shareholders).

<i><b>Timekeeper</b></i>	<i><b>Date</b></i>	<i><b>Description</b></i>	<i><b>Rate</b></i>	<i><b>Hours</b></i>	<i><b>Total</b></i>
Douglas M. Poland <sup>1</sup>	12/13/2011	Review legislature's motion for clarification regarding scope of production of documents by Joseph Handrick.	\$385.00	0.40	\$154.00
Douglas M. Poland	12/16/2011	Review and edit draft response to legislature's motion for clarification.	\$385.00	1.50	\$577.50
Douglas M. Poland	12/20/2011	Review court order denying motion for clarification.	\$385.00	0.30	\$115.50
Dustin B. Brown <sup>2</sup>	12/13/2011	Review legislature's motion to clarify.	\$255.00	0.40	\$102.00
Dustin B. Brown	12/14/2011	Prepare draft response to legislature's motion to clarify court's discovery order.	\$255.00	2.50	\$637.50
Dustin B. Brown	12/15/2011	Prepare response to motion to clarify court's discovery order, prepare declaration of Ms. Bradshaw authenticating documents for response to motion to clarify.	\$255.00	6.00	\$1,530.00
Dustin B. Brown	12/16/2011	Revise draft response to legislature's motion to clarify based on comments; prepare response for filing.	\$255.00	5.50	\$1,402.50

<sup>1</sup> Douglas M. Poland is a 1994 graduate of the Loyola University Chicago School of Law and has practiced complex litigation for more than 17 years.

<sup>2</sup> Dustin B. Brown is a 2007 graduate of the New York University School of Law and has practiced complex litigation for more than four years, including service as a federal law clerk.

<i>Timekeeper</i>	<i>Date</i>	<i>Description</i>	<i>Rate</i>	<i>Hours</i>	<i>Total</i>
Wendy K. Arends <sup>3</sup>	12/13/2011	Review legislature's motion to clarify.	\$255.00	0.40	\$102.00
Wendy K. Arends	12/16/2011	Review response to motion to clarify.	\$255.00	0.20	\$51.00
Aaron A. Seligman <sup>4</sup>	12/15/2011	Research and prepare legal analysis in support of draft response to motion to clarify.	\$185.00	2.00	\$370.00
Aaron A. Seligman	12/16/2011	Draft outline for response to motion to clarify.	\$185.00	4.00	\$740.00
Aaron A. Seligman	12/20/2011	Review filed discovery order.	\$185.00	0.30	\$55.50
Jamie Kroening (Research Staff)	12/16/2011	Cite check brief.	\$115.00	0.30	\$34.50
Jacqueline M. Schwartz (Paralegal)	12/13/2011	Work on file management; conferences regarding filings.	\$125.00	0.30	\$37.50
Jacqueline M. Schwartz (Paralegal)	12/16/2011	Work on certificate of service for response to non-parties' expedited motion to clarify the Court's discovery order; assemble exhibits to Ms. Bradshaw's declaration; e-file documents and distribute.	\$125.00	2.10	\$262.50
<b>TOTAL</b>				<b>26.2</b>	<b>\$6,172.00</b>

8. Following is a description of the reasonable and necessary time and associated fees incurred by attorneys, paralegals, and research staff in preparing plaintiffs' response to the December 23, 2011 motion (Dkt. 84):

<sup>3</sup> Wendy K. Arends is a 2007 graduate of The George Washington University School of Law and has practiced in complex litigation for more than four years.

<sup>4</sup> Aaron A. Seligman is a 2011 graduate of the University of Wisconsin School of Law.

<i><b>Timekeeper</b></i>	<i><b>Date</b></i>	<i><b>Description</b></i>	<i><b>Rate</b></i>	<i><b>Hours</b></i>	<i><b>Total</b></i>
Douglas M. Poland	12/24/2011	Review legislature's motion for review of discovery orders by three-judge panel and supporting affidavit; review email correspondence regarding draft response to legislature's request for review of discovery orders by three-judge panel, and follow up telephone conference; email correspondence with Mr. Brown regarding preparation of response to legislature's motion.	\$385.00	1.70	\$654.50
Douglas M. Poland	12/26/2011	Review transcripts of depositions of Messrs. Handrick, Foltz, and Ottman regarding instructions not to answer for use in opposition to legislature's motion for review by three-judge panel; telephone conferences with Mr. Brown regarding preparation of opposition to legislature's motion; email regarding inserts to opposition brief.	\$385.00	2.70	\$1,039.50
Dustin B. Brown	12/23/2011	Conference regarding task list; review and analyze legislature's motion for review by three-judge panel.	\$255.00	1.20	\$306.00
Dustin B. Brown	12/24/2011	Draft factual background section of response to motion for review by three-judge panel of discovery rulings; review and analyze draft sections for incorporation into response brief; research case law.	\$255.00	4.60	\$1,173.00

<i><b>Timekeeper</b></i>	<i><b>Date</b></i>	<i><b>Description</b></i>	<i><b>Rate</b></i>	<i><b>Hours</b></i>	<i><b>Total</b></i>
Dustin B. Brown	12/25/2011	Draft response to motion for review by three-judge panel of December 8 and 20 discovery rulings; research case law.	\$255.00	3.70	\$943.50
Dustin B. Brown	12/26/2011	Continue to draft response to motion for review by three-judge panel of December 8 and 20 discovery rulings; research case law.	\$255.00	8.10	\$2,065.50
Dustin B. Brown	12/27/2011	Revise response to motion for review by three-judge panel of December 8 and 20 discovery rulings; draft declaration of Mr. Poland; review factual record for response to motion for review; prepare response to motion for review for filing.	\$255.00	7.20	\$1,836.00
Aaron A. Seligman	12/27/2011	Review and verify record citations in declaration and brief in opposition to motion to reconsider.	\$185.00	5.90	\$1,091.50
Jill Bradshaw (Research Staff)	12/26/2011	Research 7 <sup>th</sup> Circuit cases citing 28 U.S.C. 2284(b)(3); research Wisconsin cases for status of legislative drafting files and legislative privilege.	\$175.00	0.70	\$122.50
Jill Bradshaw (Research Staff)	12/27/2011	Cite check brief.	\$175.00	1.30	\$227.50

<i>Timekeeper</i>	<i>Date</i>	<i>Description</i>	<i>Rate</i>	<i>Hours</i>	<i>Total</i>
Jacqueline M. Schwartz (Paralegal)	12/27/2011	Review Mr. Poland's declaration in support of plaintiffs' response to the legislature's motion for review by the three-judge panel and assemble exhibits; review and e-file documents with the Court; conferences regarding filings and logistics; prepare correspondence to Ms. Lazar enclosing copies of today's filings.	\$125.00	2.20	\$275.00
<b>TOTAL</b>				<b>39.3</b>	<b>\$9,734.50</b>

9. I have reviewed the detailed task descriptions for services related to the Motions, in the exercise of my billing discretion, and to ensure that the fees requested reflect the actual services necessary to oppose the Motions. I have eliminated all charges that could be considered unnecessary, duplicative, or not otherwise incurred in response to the Motions. According to information received from my firm's billing department, the amounts requested in this Affidavit reflect a reduction of at least \$2,708.00 from the *lodestar* amount.<sup>5</sup> See *Pickett v. Sheridan Health Care Center*, No. 11-2146, \_\_\_ F.3d \_\_\_, 2011 WL 6287923, at \*3 (7th Cir. Dec. 15, 2011) (noting "a strong presumption that the lodestar calculation yields a reasonable attorneys' fee award" (citing *Perdue v. Kenny A.*, \_\_\_ U.S. \_\_\_, 130 S. Ct. 1662, 1673 (2010); *Eddleman v. Switchcraft, Inc.*, 927 F.2d 316, 318 (7th Cir.1991))).

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<sup>5</sup> The lodestar amount, which totals \$18,615.00 in attorneys' fees before write-offs and deductions, was calculated using a blended \$300 hourly rate multiplied by the number of hours actually worked by the attorney timekeepers, plus a blended \$150 hourly rate multiplied by the number of hours actually worked by non-attorney paralegals and research staff.



10. Plaintiffs, therefore, ask to be reimbursed in the following amounts:

Attorneys' Fees	\$15,906.50
Costs	\$ <u>1,572.31</u>
Total	\$17,478.81

Dated: January 10, 2012.

s/ Douglas M. Poland

Douglas M. Poland

Signed and sworn to before me  
this 10th day of January, 2012.

s/ Jacqueline M. Schwartz

Jacqueline M. Schwartz

Notary Public, State of Wisconsin

My Commission Expires: July 29, 2012

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